A

R. Dc. File No. 320

1939

Collection No. (11)

22.7.47

Mas 22/7

(P46)

Pros. / Serial Nos. 1 – 12

(K)

Subject.

Appointment of a temporary Additional Hunsft. for the G & R. Station, Bairagala. Apptt. of Mr. S. Ganapathipillai, B.H.A. to the post.

Previous References.

F. 292-1937

Later References.

R.F. 121 - 1940

Office of the District Magistrate,
Civil and Military Station, Bangalore.
Dated 22nd October 1938.

Munsiff Magistrate's post - bifurcation of
My U.O.No.509-C-38 dated 4-2-1938.

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62 Please refer to my unofficial No.509-C-38 dated the 4th February 1938. I have called for and examined statistics of both civil and criminal cases for as many years as are readily available. I attach 2 statements. Statement (A) shows criminal cases for the last 8 years (1930-37), and statement (B) civil cases for the last 10 years (1928-37).

63 2. From the point of view of the volume of work, it cannot be said that these figures show such an increase in work since the two posts of magistrate and munsiff were amalgamated as would justify dividing them again. On the criminal side, while there have been fluctuations during the past 8 years (the years 1935 and 1936 being particularly heavy) the total number of Indian Penal Code cases (the most important branch of work) in 1937 was only 452 as against 436 in 1930; the average for the 8 years being 424. There has been an increase in the number of "other cases", which is probably due to an increase in motor vehicle offences; there has also been a marked and probably corresponding increase in the number of cases tried summarily, which means that the additional work involved in this item is not unduly heavy.

64 The position is similar on the civil side. Taking the total number of suits for disposal during the year (column 8 in the statement), there have been annual fluctuations but the number for 1937 is 389 as against 394 in 1928 and an annual average of 401.

65 As regards disposal, this also has not varied noticeably over the period under review, except that since 1933 the average pendency of individual cases both civil and criminal has increased. There has however been an increase in arrears since the beginning of 1937 but I do

not think this is anything more than a temporary phase. (I have made official proposals for dealing with it).

66 3. On the financial side, it would be possible to divide the post without additional cost if the respective salaries of the magistrate and the munsiff were pitched sufficiently low. I am convinced however that it would still be necessary to borrow a serving magistrate from Madras, and low pay would mean a comparatively junior man with little experience of 1st class magisterial work. This I think would be unwise. First-class magisterial work in a large town is of definite importance; it is as well that it should be done by an experienced and fairly senior man and that the post should carry some status. To continue to employ a man of that type with a separate munsiff would of course mean more expense.

67 4. My general view therefore is that statistics alone do not establish a case for dividing the post, and that the divided posts could not be filled adequately without additional cost. I have not gone into details because, since the matter was last discussed, it has been decided that there should be a separate magistrate and a separate munsiff after retrocession. I would leave it at that and would not anticipate post-retrocession arrangements at this stage. So far as the recent increase in arrears requires immediate action, the temporary arrangement I have proposed (an additional munsiff for 6 months) will I think meet the case, and when thereafter the arrears have been reduced to normal proportions it should not be difficult for the Munsiff Magistrate to keep abreast of his work until he disappears on retrocession.

To
The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

U.O.No. 860-A-38 dated 22nd October 1938. (Fins: 2 Sheets)

Statement showing the number of criminal cases from the year 1930 to 1937.

Year.	Instituted.					No. pending from previous years.	Total.	Disposed of during the year.	Pending.			Total pending at the end of the year.	Summary trial.	Average (in days) pendency of each case.	Number of cases transferred to Bench Court.	Remarks.
	I.P.C.	Security Section.	Maintenance.	Misc. Cr.P.C. cases.	All other cases.				Absconding.	Not brought to trial.	Under trial.					
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.
1930	436	8	33	46	218	137	878	719	115	16	28	159	294	13.67	119	Note.-(Col. 11) The cases not brought to trial are those that are taken up on file during the year (end of the year) and posted for hearing in January of the following year.
1931	407	10	25	43	320	159	964	762	135	16	51	202	422	15.35	113	
1932.	388	8	34	36	411	202	1079	911	103	16	49	168	527	12.83	79	
1933	369	12	39	43	301	168	932	801	20	23	88	131	319	19.78	91	
1934	322	9	42	42	308	131	854	761	25	21	47	93	373	21.89	67	
1935.	506	7	38	28	506	93	1178	984	100	32	62	194	606	19.2	60	
1936	511	5	43	34	450	194	1237	1033	141	7	56	204	528	20.3	32	
1937	452	4	22	9	419	204	1110	864	111	69	66	246	398	23.4	61	

× Average.

8) 3391 (
424

⊗ Average.

8) 2933 (
366.6

⊛ Average.

8) 3467 (
433½

DISTRICT MAGISTRATE.

Statement showing the number of civ

Year.	Suits for money and moveable property.	Suits relating to immoveable property.	Other suits.	Total.	Number pending from the previous year.	Suits received by transfer recommended or re-admitted.	Totals of columns 5 to 7.	Number disposed of during the year.	Number
1.	2.	3.	4.	5.	6.	7.	8.	9.	
1928.	103	107	25	235	136	23	394	274	
1929.	80	131	26	237	120	14	371	262	
1930.	106	122	19	247	109	15	371	277	
1931.	112	127	39	278	94	13	385	271	
1932.	104	127	35	266	114	28	408	274	
1933.	89	135	28	252	134	2	388	204	
1934.	96	124	13	233	184	14	431	272	
1935.	89	142	7	238	159	14	411	233	
1936.	121	135	15	271	178	15	464	282	
1937.	75	114	10	199	182	8	389	211	
							4012		

10 (4012 / 401 10 2560 / 256 10 1

cases from the year 1928-1937.

at the end of the year.	Average pending in days in each case.	
	Contested.	Uncontested.
0.	11.	12.
20	182.51	57.42
09	238.98	48.36
94	192.80	53.26
14	287.62	46.28
34	339.88	67.84
84	344.35	66.76
59	455.72	63.7
78	465.00	68.93
82	408.71	73.46
78	359.35	69.97

452
145

DISTRICT MAGISTRATE.

Dy.No. 707. S.N. ~~15~~ 1

68 Please see D.M.'s letter and unofficial note. I think (provided Dt.Judge concurs) we can agree without further reference to the papers. But under present budgetary orders, it will probably mean a reference to Political Department.

69 Criminal pendency is very bad indeed, and we cannot let it go on.

H.Trevelyan.
29/10/38

70 Yes. The Dt.Judge may be consulted. A reference will have to be made to the Political Department.

J.G.
30/10.

71 District Magistrate's letter and the u/o. note may, if approved, be forwarded to the District Judge for concurrence at a very early date.

PsRa.
2.xi.38

4/11/38.

(from para 62)

Secretary.

C/40.
5.11.'38

Dt. Judge, C. & M. Station, Bangalore

u/o. No. 707, dated 4th & 5th Nov. 1938

72 The D.M. may state and I have had a talk about his matter. I agree with the Secretary's

P. Nedunuri
5/11/38

73 Please despt all necessary communications -

5/11/38.

74

At the moment financial stringency is so serious that the Political Department are unlikely to accept any proposal which involves increase in expenditure. They have even turned down the proposal for an extra typist on Rs.30/- a month for three months for the Viceroy's Visit. The question is how the proposed arrangements can be met without any or with the minimum increase of expenditure. Mr Ganapathisundaram Iyer will get the same pay. Can the work of the Registrar of the District Court be done, at any rate for this period, by the Nazir or Head Clerk ? If so is there any reason for giving him any extra pay for doing it ? If some arrangement of this kind cannot be come to I have serious doubts whether the proposal will be sanctioned.

8/11/38.

Dr. Judge 10.

District Judge, C. & M. Station, Bangalore

u/o. No. 79-37, dated the 8th Nov. 1938.

75 It will not be possible to carry on without a Registrar even temporarily, as I have many Sessions cases at present. The requirements could I think be found from the District Court Budget.

76 If the Government approve Mr S Ganapathi Sundaram as Abdekaul Munsif they might I suggest the appointment of Mr. R. Sundara Rao as the Registrar of the Dist. Court. He may be allowed acting charge pay up to 20 Rs twenty Rs.

77 I suggest that no amount from the District Budget be required.

Please see from para 74.

78 Secretary verbally informed the District Judge that Mr. Sundar Rao could not be spared and asked him to suggest other arrangements. No proposals have so far been received from him.

79 There are no savings in the budget heads under the Control of the District Judge from which the extra expenditure can be met.

For orders.

80 6.12.38

I have spoken to him again. Await one week.

7/12/38.

81 Re-submitted.

15-xii-38

82 Will Mr Sundar Rao please find out what he is proposing?

16/12/38.

83 I went to the District Judge on the 21st. He said that he could not arrive at any decision as he was very busy just then with a big Sessions case, and asked me to come up again during the holidays.

84 I called this afternoon; he will see Secretary by the end of this week and state his proposals.

AsRao 2.1.39

3/1/39. (from para 82)

Secretary.

P.u.c. D.No.2930. S.N.(46). 2.

(L) 8K The proposal is to appoint Mr.Ganapatisundaram, Registrar, District Court, as Additional Munsiff for a period of six months, on his present pay, Rs.250/- in the scale of Rs.150-10-250. As Additional Munsiff, he will continue to do the Small Cause work which he does now and draw the special pay of Rs.90/- per mensem sanctioned for it.

8b The proposal came up for consideration at the end of October 1938. Financial stringency was so serious at the moment that it was felt that the Political Department were unlikely to sanction any proposal which involved increase in expenditure. The District Judge was therefore asked whether the work of the Registrar could not be done by his Nazir or Head Clerk during Mr.Ganapatisundaram's absence. He said that it was not possible and suggested the appointment of Mr.Sundar Rao, Judicial Clerk, Resident's Office, as officiating Registrar. He also suggested that Mr.Sundar Rao might be invested with Small Cause powers up to Rs.20/-.

8c Mr.Sundar Rao could not then be spared and the District Judge was asked to suggest other arrangements. As the extra cost involved could not be met from the budget for 1938-39, it was not in any case possible to give effect to the proposal before March 1939.

8 The District Judge saw the Secretary in January and said that in the circumstances it would be preferable to make the appointment after the re-opening of the Courts after the Summer recess. The proposal was therefore kept in abeyance.

(B) 8j As the Courts will be re-opening at the end of May 1939,

1939, the proposal may be taken up again. When applying for sanction of the Political Department, it is necessary to give them an estimate of the extra expenditure involved. We should also tell them whether the cost can be met from savings or whether an additional allotment will be required. It is understood that additional establishment will be required for the new Munsiff. In view of the present retrenchment orders, the Political Department are unlikely to sanction the proposal if it involves any appreciable increase in expenditure and it is therefore necessary to keep down establishment and other charges to the minimum possible. It may perhaps be possible for the District Judge or the District Munsiff to spare the required staff from their own establishments.

7 11

The District Magistrate may see the file for ~~informax~~ information. It may then be sent to the District Judge and he may be requested to give an estimate (with complete details) of the extra cost involved under staff and contingencies, including the pay of the officiating Registrar.

25-3.39

Secy.

Thurlyar (From para 85)
27/3/39

D.M.O.

No.D.2930, dated the 28th March 1939.

91

31/3/39

U.O 1072-C-39 of 31.3.39

To the District Judge, u/o.
No.D.2930, dated the 31st March 1939.

Establishment for the Additional District Munsiff.

92 It is not possible to spare the staff required for the Additional Munsif's Court from the existing establishment of the District Court. Since the District Magistrate has not suggested the possibility of any staff being spared from the Munsif-Magistrate's Court, some additional - temporary establishment for the new Court has necessarily to be sanctioned. Of course the Head-Clerk and other Clerks and the menial establishment in the Office of the Munsiff-Magistrate and the Small Cause Suits Clerk, the Central Nazarat and the Copyist Establishment of the - District Court will also attend to the work in the Office of the Additional Munsif's Court. I now propose the following additional temporary establishment exclusively for the Additional Munsiff's Court:-

(i) One Bench-Clerk on Rs 35-2-55 or Rs 30-4/2-50 according to the selection of the incumbent in the old or new scale of pay.

(ii) One Assistant Bench-Clerk who will also be the Process-Writer and Typist ... Rs 30/-

(iii) Three Peons on Rs 15/- each one of whom will be the Court Duffedar.

93 2. Contingencies. A sum of Rs 300/- may be sanctioned under this head to cover the cost of furniture, Rubber - stamps and other sundry items.

94 3. As I do not anticipate any savings in the District Court Budget at this stage, necessary funds for meeting the cost of the Additional District Munsif and his - establishment may be provided by re-appropriation from some other head or otherwise.

P.T.O.

95

4. Registrar's post in the District Court.

I have already expressed my view that Mr.A.Sundar Rao, Judicial Clerk of the Resident's Office, may be appointed as Officiating Registrar of the District Court.

CONFIDENTIAL.

U.O. No.C/43.
2nd May 1939.

P. Medgan
District & Sessions Judge,
Civil and Military Station,
Bangalore.

To

The Secretary to the Hon'ble
the Resident in Mysore,
Bangalore.

P.T.O.

Please see from para 85 ante.

96 Staff. The District Judge proposes the appointment of two clerks and three peons exclusively for the Addl. Munsiff. It seems that the staff proposed is much in excess of essential requirements. The work of the judicial establishment will not appreciably be increased by the appointment of an additional presiding officer. It will no doubt be necessary for the Additional Munsiff to have a full time Bench Clerk and one peon exclusivley for his Court; and if a clerk and a peon cannot be spared either by the District Judge or by the District Munsiff, addl. posts of a clerk on Rs.30/- and a peon on Rs.15/- will have to be sanctioned. As already stated, in view of the retrenchment orders, it is necessary to keep down establishment and other charges to the barest minimum.

97 Contingencies. Mr.Ganapatisundaram, as Additional Judge of the Court of Small Causes, has already a Court Hall with necessary furniture; and it does not therefore seem necessary to purchase new furniture etc. for the new Court, which according to the present proposals, will only be temporary for six months. Perhaps, Rs.100/- may be provided for rubber stamps and other miscellaneous contingencies.

98 Financial effect of the proposals. On the assumption that Mr.Sundar Rao will be appointed as Registrar of the District Court on his present pay and Mr.Chandy as Judl. Clerk in the Resident's Office on a pay of Rs.100-5-150, the proposals will result in an extra expenditure of Rs.1,420/- in the Bangalore budget and a saving of Rs.618/- in the Residency budget, as shown on the next page.

Bangalore

Bangalore budget.

Existing cost.		Proposed cost.		Excess or saving.
	Rs.		Rs.	Rs.
-		Addl.Munsiff:	340 (250 + 90)	+ 340
Registrar,Dt.Court:	340	Registrar:	175	- 165
-		1 Clerk:	30	+ 30
-		1 Peon:	15	+ 15
			Total:	+ 220 p.m.
		For 6 months.	..	+ 1320
		Contingencies.	..	100
			Total.	+ 1420

Residency budget.

Existing cost.		Proposed cost.		Excess or saving.
				Rs.
Judl.Clerk.	175 (Mr.Sundar Rao).	110 (Mr.Chandy).		- 65
1 Clerk.	68 (Mr.Chandy).	30 (outsider).		- 38
			Total.	-103 p.m.
		For 6 months.	..	-618

The savings in the Residency budget cannot be re-appropriated to meet the excess in the Bangalore budget; the extra allotment required in the Bangalore budget will therefore be the full sum of Rs.1,420/-.

Budget provision. The financial year has just commenced; and it is too early to say whether it will be possible to meet the extra expenditure from savings in the sanctioned budget. Additional allotment has therefore to be applied for.

For orders whether a draft to the Pol. Department may be prepared on the basis of the above notes.

10.5.34

101

(1). The additional Munsiff is necessary; as the present staff appears to be unable to cope with the work which is badly in arrears.

(2). He can have one clerk & one peon & office must examine first whether a clerk & peon can be spared from Dt. Court or Munsiff-Magistrate's Court. I see no reason why not.

(3). He can have Rs 100 as Contingencies

(4). A Registrar must be appointed. If judicial work in our office is still as heavy as at present, I am not prepared to agree to Mr. Sunder Rao's appointment. I will speak to A.S. about this on return. The draft should not take this into account. It need deal only with Bangalore Budget.

(5). Please draft thereafter F.A. who may consult D.T. regarding question of Staff. D.T. must approve proposals.

H Venkoba Rao.

12/8/39.

102

Para 101 ante.

The District & Sessions Judge has a large establishment under him. For details, please see page 4 of the printed list at R. Details of the staff of the Munsiff-Magistrate are given on page 3 of the list. With a little re-shuffling it should be possible for the District & Sessions Judge or the Munsiff-Magistrate to spare a clerk and a peon for the Additional Munsiff, temporarily for 6 months, especially in view of the need for economy.

103

A draft to the Political Department is prepared and submitted for consideration. It has been assumed that it will not be necessary to entertain any extra staff for the new Munsiff. In working out the cost (para 3 of the draft), the maximum pay of the Registrar's post has been taken into account, so that our hands may not be tied in the matter of selection of personnel for the Registrar's post.

15.5.'39.

104 F.A.

Flag (A)

The 1st magistrate has agreed that extra staff is not necessary.

J. N. Rangopala 16.5.39

105

We cannot spare anyone from this office. Draft may be revised to provide for an outsider on bottom of the scale as Registrar.

A Rudge

23/5/39.

M.M.

103-A

Please see file below.
Can you supply a clerk & peon to the Addl. Dt. Munsif for Bench work without p- the existing staff, i.e. in addn to avoid appointing new staff?
If the answer is in the negative please come & discuss this with me some time to-day when convenient.

16/.

103-B

The Additional Dt. Munsiff is to try only about 110 odd trial suits, while I shall have to try about 140 remaining suits, which are at various stages, besides disposing of all execution petitions and all Civil Misc. petitions on three days in a week. A clerk will have not have sufficient work in the Court of the Additional Dt. Munsiff

Munsiff. In the circumstances, I think a process-writer of this Court (who is an Intermediate and who has acted as Civil Clerk off and on) will suffice and be able to attend to the little work he has to do. I have two personal peons and two peons in my office including the Daffedar. In view of the financial stringency, I shall be glad to spare one of my personal peons and the Civil process Writer (Mr. Romans) for 6 months, and post up with the attendant increase for that period.

M. M.
16/5/38.

F. A.
10 3-6. Please see above.
No extra staff need be applied for.
16/5/38.

106 Para 105 ante.

Draft has been revised as directed.

24.5.39.

Secy.

107 To be submitted to President through F.A. I think we might give him Rs 350/- as it is more important work than he is now doing

Mulgaw
24/5/39

F.A.

J. N. Nayagopal 24.5.39

Rect. 105

akhouri
24/5

C.A.S.

S. N. S. (illegible)

109

Draft of a Notification appointing Mr.Ganapatisundaram as Additional Munsiff is submitted. The date of appointment has been fixed as 20th June so that there is at least one week's time for any administrative arrangement that may be necessary, like sorting out the old suits that will have to go before the Additional Munsiff, and on the judicial side for witnesses being summoned and the parties and Advocates being otherwise ready to go on with the suits posted for the day. If the appointment is made with effect from an earlier date, a few days of the short period of 6 months will probably be a waste without work being ready. The Munsiff now deals with civil work on Tuesdays, Thursdays and Saturdays. Hence the Notification fixes Tuesday as the day for commencement, for civil work in the usual course will have been posted to that day.

110

(W) * S.N 1 / Cav P 1

The question for consideration is the method of distribution of work. Please see para 3 of District Magistrate's letter. The proposal is that special measures should be taken to reduce the arrears and in particular to dispose of long-pending cases as expeditiously as possible. The latest report regarding the pendency of old suits is on 16-5-1939 that there are 110 old trial suits. It appears the Additional Munsiff may be asked to take up only the one year old suits in the first instance. For one thing the suits being already over a year old require to be disposed of first. Secondly the Additional Munsiff has the advantage of working every day, and he can take up a case and work on it day to day until he finishes it, whereas the Munsiff Magistrate can work only 3 days in the week, and even on civil days before he takes up the trial work, there will be the current civil work - first hearing work, interlocutory applications and execution applications. Thirdly if a file of a definite number of suits is given,

para 103-B & Notes

the

the Court can proceed with a definite plan, and the out-turn can be more easily checked. The Political Department have stressed that every effort must be made to clear the arrears within the period of 6 months. Quarterly returns are submitted by all the Civil Courts to the Court of the Hon'ble the Resident, and explanation for each suit pending for more than one year has to be furnished. Fourthly with his training in civil work as Registrar of the District Court and Additional Judge of the Court of Small Causes and with his Law Degree, Mr.Ganapatisundaram will be able to bring greater efficiency and expedition to bear on the long-drawn suits than perhaps the Deputy Collectors of Madras, who have spent all their service on criminal work without much experience on the civil side. Afterall he had been marked out as the Munsiff Magistrate in the Station before it was decided to import the present Officer. When Additional Munsiffs or Subordinate Judges are appointed in British India for temporary periods, they are given only old arrears, leaving the Principal Judge to deal with the current work.

As regards the staff to be lent, please see paras 103-B and 103-C of notes. It is intended that the Process-writer should work as Clerk exclusively with the Additional Munsiff.

Two drafts are submitted for approval.

A.S.Rao
13.6.39

Secretary.

In the Dr Trs case the book to be sent back

11/

For approval we have made the Dt Munsiff responsible for allocation of work & clearing the arrears

H Pinlayson
14/6/39.

Resident 11.2 Approved
9/6/39

S. N. (5) & (6) issue

Dy. No. 6462

S. N. 7

113 | No action is necessary. May be filed

ASRa
4.7.39

4.7.

Please see paras 12 to 18 of notes on File No. D.Dis. 449-39. Draft to the Political Department requesting ~~for~~ an extension for a period of 6 months from 20-12-1939 is submitted for approval. Out of the 6 months, however, for about 7 weeks the Civil Courts will remain closed on account of Easter and Summer vacation. During this period the Additonnal Munsiff will perhaps deal with Criminal work - please see para 18 of notes on the file referred to in the previous paragraph. The question of conferring Magisterial powers will be taken up after the draft issues.

17.11.39

First, produce the statistics, & ask D.M. & Dr. Judge if they worked kindly quite as a series of the work done, & inform us whether disposals have in their opinion been adequate: & how long it will take to get to normal.

18/11/39.

Please see u.o. notes received from the District Judge and the District Magistrate.

Of 101 suits transferred to the Addl. Munsiff, 65 have been disposed of and 36 are now pending.

We may ask for an extension of the appointment for a further period of six months, and add that the temporary court will be abolished earlier, if that is found feasible - vide Dt. Magistrate's note.

The

The question of bi-furcation may be considered later.

Draft express letter to Polindia submitted.

5.XII.39

(From para 114)

SECRETARY.

117

Issue. Resident to see after issue, on return.

6/12/39.

Issue. S.N.(8)
C/P 12-13

U/L)

Submitted.

8/12

RESIDENT.

118

U/L)

Please see S.N.8. As existing sanction expires on the 19th, we may telegraph to Pol.Deptt. for orders.

Draft submitted.

18.XII.39

18.12.

U.S.

Issue: S.N.(9).

D.No. 12,890 S.N.(10).
D.No. 12,944 S.N. 11

119

Draft notification submitted.

Further action will be taken after the issue of the notification.

20.XII.39

20/12/39.

SECRETARY.

20/12

Dy.No. 13065 S.N. 12

District Judge's letter regarding the transfer of 60 old suits and Political Department's letter regarding the further extension must be considered together. Two courses appear to be available: 1.further extension and 2. bifurcation of the two posts.

1. Further extension - The additional Court was created for the purpose of clearing old suits. After 6 months' work, there are still 96 suits on the Munsiff's file which are pending for more than 1 year - 36 out of the first lot of 101 transferred in June last and 60 now transferred, and by the end of this quarter some more will be more than 1 year old. The last monthly return showed that 6 suits were disposed of in December; hence there are now 90 old suits pending. Before the transfer of the present 60 suits District Judge and District Magistrate (the latter Officer by a reference to the pendency of civil and criminal work and also taking into account Under Secretary's Court) recommended a further extension of 6 months to clear 36 suits, presumably because the 6 months from 20th December would be intercepted by the Christmas holidays, the Easter holidays and the summer vacation of 6 weeks. Judging from the rate and progress of work turned out so far by the Additional Munsiff, it appears he would require at least 9 months from 20th December to clear all the one year old suits, because a shorter period will result in the bottling up of small cause work, which he is still doing and it has been decided that he should try criminal cases also.

2. Bifurcation - Please see:

(i) paras 2 to 11 of notes where the District Judge urges a bifurcation, irrespective of arrears (particularly paras 10 and

(H)

para 7 of notes at (W)

(ii) para 14 of notes where District Magistrate recommends almost complete bifurcation. The District Magistrate also obesrves that he hardly expects great improvement in the disposal of criminal work so long as the present Munsiff Magistrate has also to do civil work.

(A) ¤ para 8 of notes on D.Dis. 449-39

(iii) Secretary's observation regarding bifurcation.

S.N.7 / Cor.p.10 / F.292-37

(iv) The opinion of the Bar Association, which in some places is a power to reckon with, and in others counts for some thing at least.

¤ para 31 of notes on do

(v) Additional Judge's views regarding bifurcation long before the present arrears developed.

V.C. Showed leaves below

If bifurcation is decided, District Magistrate may be instructed to transfer at once 2nd class criminal cases to the Additional Munsiff until his period of office lasts - namely 19-3-1940 -, and then when he reverts as Registrar of the District Court, he may be instructed to do full time work as Magistrate during the 6 weeks of the summer vacation. The Notification conferring 2nd class powers on him still subsists. Perhaps it should be possible by that time to judge the capacity of Mr. G. Sundaram to be a Magistrate in the Station: there is one advantage now, namely difficult cases may be in the first few weeks be tried by Under Secretary.

123 It is for consideration whether Additional Judge may be consulted which of the 2 courses may be adopted in the interests of the administration of Justice.

P.U.C / S.N.12 124 Regarding District Judge's suggestion, it does not appear to be necessary to pass any order under the Code

of

of Civil Procedure. The provision quoted which relates to the withdrawal of any appeal, suit or other proceeding pending in one Court and transfer to any other Court is not applicable because there are no 2 Courts of Munsiffs, but there is only 1 Court with a Principal District Munsiff and an Additional Munsiff. Para 2 of the Notification of the Governor General regarding the constitution of Civil Courts in the Station runs thus:

(not put up)

> "There shall also be a Court of District Munsiff, subordinate to the District Court, presided over by a District Munsiff to be appointed by the Resident in Mysore, with jurisdiction extending to all like suits and proceedings, not otherwise exempted from its cognizance, of which the amount or value of the subject matter does not exceed three thousand rupees"

It may be seen that as the Notification stands at present, only 1 Court of District Munsiff can exist. For instance, there is only 1 Small Cause Court in the Station, and although there is an Additional Judge of the Court of Small Causes, it cannot be said that there are two Courts one Court being presided over by the District Judge and another Court presided over by the Additional Judge of the Court of Small Causes.

AsRao
14.1.40

1. Tell the District Judge that no order regarding transfer of cases is necessary.

2. Political Dept.'s letter makes it necessary for us to consider the future of Munsiff-Magistrate's post now. Please see also the paper in the linked file.

I would be grateful if U.S. could personally examine on a new file what reforms are required in the criminal and civil work of the C & M Station. The questions

questions to be answered are:

(1) District Court. Are cases pending for too long? Is it necessary to relieve District Judge of any small cause work?

(2) Munsiff-Magistrate's Court. Do we normally require a separate Munsiff & Magistrate or 2 munsiff-magistrates having regard to normal filings? If we require both, do we require also a Registrar, who will undertake a certain amount of small cause work?

(3) What extra staff is required for the arrears besides the normal staff ~~referred to~~ required and for how long? We can take it that U.S. will remain till 30th June, the probable date of separation of Coorg.

In previous discussions on these questions notes have proceeded on ~~two~~ too general lines. We have to support any application to the Political Dept. with statistics and the only basis which we have for a proper judgment of those questions is comparative statistics ~~in~~ of Madras or Mysore Courts. To find out the normal staff necessary, we must compare our filings under different heads with those of courts of other administrations. We must in fact not go by the existing arrears, but ascertain from comparative statistics whether the arrears are due to inadequate staff or inefficiency or both. The question of persons to be appointed can be left till these points are decided.

As I explained to J.C., it is preferable that Under-Secretary should deal with this case personally

15/11/40

CORRESPONDENCE.

No. 860-A-38.

Office of the District Magistrate,
Civil and Military Station, Bangalore..

Dated 22nd October 1938.

FROM C.F.V. Williams, Esq., I.C.S.,

DISTRICT MAGISTRATE, CIVIL AND MILITARY STATION,
BANGALORE.

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

SIR,

Additional Munsiff - appointment of - requested.

1 The Munsiff Magistrate reports that there is a considerable accumulation of arrears in his Court which it is not possible for him to reduce without some special arrangement to relieve him particularly on the civil side.

2. I have examined the statistics of work both civil and criminal and enclose a statement showing pendency on 3 dates viz. 1-1-1937, 1-1-1938 and 1-10-1938. (The criminal statistics are confined to Indian Penal Code cases, which constitute by far the heaviest as well as the most important class of work.) It will be seen, as regards criminal work, that during the year 1937 there was a definite increase in arrears (164 to 196) particularly in cases more than 3 months old (94 to 134); and that during the current year the present Munsiff Magistrate, who took charge in February, has not been able to reduce the arrears because of an increase in fresh cases as compared with the previous year. On the civil side the total number of cases pending remained normal during 1937 but there was a heavy increase in the pendency of old cases more than one year old: and during the current year there has been a definite increase in pendency under all heads.

12

3. The present position, particularly the pendency of old cases, is unsatisfactory and it is clear that in the interests of justice special measures are necessary to reduce the arrears and in particular to dispose of long-pending cases as expeditiously as possible. I am satisfied that, having regard to the volume of work in the Munsiff Magistrate's Court, the Munsiff-Magistrate cannot substantially reduce the arrears without assistance, and I recommend that an additional Munsiff be appointed forthwith for a period of six months to deal solely with civil work, with special attention to long-pending cases, leaving the permanent Munsiff-Magistrate to concentrate on criminal work, particularly on old cases.

4. I suggest that Mr. Ganapathisundaram Iyer, Registrar of District Court, be appointed to the post of additional Munsiff on his present pay plus the allowance of Rs.90/- which he draws for Small Cause work and which he will continue to do so as Additional Munsiff.

5. In order to check the disposal of work and in particular of long-pending cases under the arrangement recommended above, I propose to call for a monthly return of criminal cases. The District Judge will no doubt consider the advisibality of prescribing a similar return on the civil side.

6. I propose further, when these temporary arrangements have ceased, to prescribe a standing return, either quarterly or monthly, in order to provide a check against the accumulation of arrears in the future.

7 I request early orders.

I have the honour to be,
Sir,
Your most obedient servant,

(Illegible)

DISTRICT MAGISTRATE.

407.
29-10-38
49-1937.

Statement showing cases pending in Munsiff Magistrate's Court.

I. Criminal Cases.

Cases	Date.	Less than 1 month.	Between 1 and 3 months.	Between 3 and 6 months.	Between 6 and 12 months.	More than one year.	Total.	Remarks.
I.P.C.	1-1-1937	23	47	(15	6	73) =(94)	164	
"	1-1-1938	29	33	(28	23	83) =(134)	196	
"	1-10-1938	38	45	34	15	73	205	

II. Civil Cases

		3 months & under				
Civil Suits.	1-1-1937	54	39	52	37	182
"	1-1-1938	45	27	34	72	178
"	1-10-1938	55	36	48	84	223

DISTRICT MAGISTRATE.

12

S. N. 2

14

D. O. 1022-C-39.

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE,
CIVIL AND MILITARY STATION, BANGALORE.

Dated 15th March *1939*.

17/3/39

S.N-15.

Additional Munsiff - appointment of - requested - My letter No.860-A-38, dated the 22nd October 1938.

Please refer to my letter quoted above. Will you kindly let me know how the question stands?

Yours sincerely,

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
20 MAR. 1939
Diary No. 2930
File No.....

To

H. Trevelyan, Esq., I.C.S.,
Secretary to the Hon'ble the Resident in
Mysore,
Bangalore.

S.No. 3

5

Received 25/5/39 Bs.

R.Dis.No. F.320-39 Judl.

From

The Hon'ble Lt. Col. J.H.Gordon, C.I.E., O.B.E., M.C.,
Resident in Mysore.

To

The Secretary to His Excellency
the Crown Representative, Simla.

Dated Bangalore, the 25th May 1939.

Appointment of a temporary Additional Munsiff for the Civil and Military Station of Bangalore.

Sir,

The work in the Court of the Munsiff-Magistrate, Civil and Military Station, Bangalore, both on the civil and the criminal sides has fallen heavily into arrears and it is essential to take special measures to reduce the arrears and to dispose of the long pending cases. I request the sanction of His Excellency the Crown Representative to the appointment of an Additional Munsiff, in General Central Service Class II, for six months to deal with civil work only. The permanent Munsiff-Magistrate will, during that period, deal with criminal matters only. I intend to appoint Mr. S. Ganapatisundaram, Registrar of the District and Sessions Court to the post. He at present draws a pay of Rs.250/- in the scale of Rs.150-10-250 and a special pay of Rs.90/- for the trial of Small Cause suits up to the value of Rs.100/-. As Additional Munsiff, he will continue to exercise his Small Cause powers and will be paid a consolidated salary of Rs.350/- a month.

Rs.100/- will be required for miscellaneous contingent expenses, but the staff can be temporarily found from the existing staff of the District and Sessions Judge and the Munsiff-Magistrate. A Registrar will be required in place of

Mr.

Mr. Ganapatisundaram. The total anticipated cost is Rs.910/- as shown below, and this will be met as far as possible from savings in the sanctioned budget.

Existing cost.		Proposed cost.		Difference
		Additional Munsiff.	350	+ 350
Registrar, District Court.	250	Registrar, District Court.	125	-125
Special pay to -do- for Small Cause work	90			- 90
			Total.	+ 135 p.m

or Rs.810/- for six months plus Rs.100/ for contingencies.

I request very early orders as the Courts re-open on the 29th May 1939 and I wish to put the proposals into effect as soon as possible.thereafter.

I have the honour to be,

Sir,

Your most obedient servant,

o/c V C

Lieut. Colonel,

R E S I D E N T.

25.5.39

BJ

S.N.4.

7

From - The Secretary to His Excellency the
Crown Representative,

To - The Hon'ble the Resident in Mysore.

Memorandum No.F.11(34)-E/39.

Dated Simla, the 3rd June 1939.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
Diary No. 6803
File No. RD 320/39

RD 320/39

Appointment of a temporary Additional Munsiff for the Civil and Military Station of Bangalore.

× S.N.3 (L)
Conf.5

Reference your letter No.F.320-39, Judl., dated the 25th May 1939.

2. The Crown Representative is pleased to sanction:-

(i) the creation, for a period of six months, with effect from the date it is filled, of a temporary post of an Additional Munsiff for the Civil and Military Station of Bangalore and the appointment thereto of Mr.S. Ganapatisundaram the present Registrar of the District and Sessions Court, Bangalore, on a consolidated pay of Rs.350 per mensem; and (ii) an expenditure of Rs.100 to meet the contingent expenses.

3. The extra expenditure involved should be met from within the sanctioned budget grant of the Bangalore Assigned Tract for the current financial year.

4. It is requested that every effort may be made to clear the arrears within the period of six months.

for Secretary to His Excellency
the Crown Representative.

S.N.5

18

Issued 15/6/39 Ft. 2 drafts Draft I.

Issue 15/6

page 213 — Macpherson, Vol. VI. (put up)

The Hon'ble the Resident in Mysore.

No.57. Dated, the 15th June 1939.

Notification.

In exercise of the powers confe red on him by paragraphs 2 and 6 of Notification No.3541-I.B., dated the 15th November 1920, of the Governmen of India in the Foreign and Political Department, the Hon'ble the Resident is pleased to appoint Mr.S.Ganapath sundaram, M.A.,B.L., as Additional District Munsiff of the Court of the District Munsiff, Civil and Military Station, Bangalore, and to invest hi with the jurisdiction of a Court of Small Causes for the trial of suits cognizable by such Court under the Provincial Small Cause Courts Act, 1887 (IX of 1887), as applied to the said Station, up to any amount not exceeding one hundred rupees, for a period of six months, with effect fr 20th 19th June 1939.

Notification No.4 dated the 4th January 1938 is hereby cancel with effect from the said date.

(Sd) H. Trevelyan

Secretary to the Resident.

To be published in the Mysore Residency Orders,

The District Magistrate, Civil an Military Station, Bangalore,

The District Judge, Civil and M Station, Bangalore,

The District Munsiff, Civil a tary Station, Bangalore.

Mr.S.Ganapathi sundaram, M.A., B Bangalore.

S.N.25
Cur.p.40
Cur.F.No.78-37

P.R. 13.6.39

S.N. 6

19

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

Issued. 15/6/39 PS.

To

The District Judge,
Civil and Military Station, Bangalore.

MEMORANDUM No. N.Dis. No. 320-39 / Exc. Judl.

Dated Bangalore, the 15th June *1939.*

Appointment of a temporary Additional Munsiff for the Civil and Military Station, Bangalore.

- - - -

Reference Notification No.57, dated the 15th June 1939.

2. Mr. S. Ganapatisundaram, as Additional District Munsiff, shall draw a consolidated pay of Rs.350/- per mensem.

3. The appointment shall be borne in the General Central Service, Class II.

4. An expenditure of Rs.100/- may be incurred to meet the contingent expenses.

5. The extra expenditure involved should be met, as far as possible, from within the sanctioned budget grants under your control for the current financial year.

(Sd.) H. Trevelyan.

SECRETARY TO THE RESIDENT.

Copy

Copy to Accountant General, Madras, with a copy of the Memorandum of the Crown Representative No.F.11 (34)-E/39, dated the 3rd June 1939, and letter from this Residency to which it is a reply.

to the District Magistrate,

to the District Munsiff,

Civil and Military Station, Bangalore.

The District Munsiff shall allocate the work of the Court in such manner as will enable the arrears to be disposed of as expeditiously as possible. He shall provide sufficient staff for the Additional Munsiff from his own establishment, and shall submit monthly returns to the Court of the Hon'ble the Resident showing the progress of disposals. The Resident wishes to emphasise particularly that the present arrangement cannot be regarded as permanent, and that the arrears must be disposed of within 6 months.

SECRETARY TO THE RESIDENT.

15.6.39

KK

No.131-A-1938

Additional

OFFICE OF THE/DISTRICT MUNSIFF ~~X X X

S.N.9

12

GOVERNMENT OF INDIA.

Issued 6/12/39

_____ DEPARTMENT.

EXPRESS LETTER

[*N. B.—This is an ORIGINAL MESSAGE, sent by post to save telegraphic expense and undue use of the wires, but intended to be treated, on receipt, with the same expedition as if it had been telegraphed. To save time and formalities it is worded and signed as if it had been so despatched.*]

FROM

Resident Mysore
Bangalore.

To

Polindia
New Delhi.

R.Dis. *No.* F.320-39 Judl. *Dated* 6th December *1939.*

Extension of the appointment of temporary Additional Munsiff for the Civil and Military Station of Bangalore.

- - - -

S.N.4 P.7 (L)

Reference your memorandum No.F.11(34)-E/39, dated the 3rd June 1939.

2. The temporary post of Additional Munsiff was created with effect from the 20th June 1939. It has not yet been possible to clear off all arrears and I consider that an extension of the appointment is essential. I therefore request the sanction of His Excellency the Crown Representative to the post being extended for a further period of six months with effect from the 20th December 1939. I shall abolish the temporary court earlier, if that is found feasible.

3. The extra expenditure involved during the current year will be about Rs.400/-. As no provision has been made in the Bangalore budget to meet this expenditure, I request that an additional allotment

of

MFP—1023 S&P—(M-1877)—27-1-39—300,000.

of Rs.400/- may be placed at my disposal. The extra expenditure during the next year will be met, as far as possible, from savings in the sanctioned budget.

R E S I D E N T.

The issue of the above has been authorised.

o/c

SECRETARY TO THE RESIDENT.

BJ

S.N. 9

(14)

Telegram.

No. 141.

18th Decr. 39

Issued 18/12/39

From

Resident Mysore Bangalore.

To

Polindia New Delhi

S.N. 8 (L)

My express letter December sixth extension Additional Munsiff's appointment AAA Existing sanction expires 19th AAA Please telegraph orders.

for Resident.

S. N. 10

15

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

PRESS TELEGRAM

Rwi 320/39.

19/20

20/12/39.

OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE, BANGALORE. 20 DEC. 1939. Diary No. 12,890 File No.

XU TD NEW DELHI 19 STE 21

RESIDENT MYSORE BANGALORE

514E YOUR TELEGRAM NO

141 DECEMBER EIGHTEENTH ORDERS

SANCTIONING EXTENSION ADDITIONAL MUNSIFF

POSTED SIXTEENTH

POLINDIA

EF BY 20/28 394

RB 320/39 J. 11:R.S.11 S.C. remind for action. S. N. 11 20/12

16

From - The Secretary to His Excellency the Crown Representative,

To - The Hon'ble the Resident in Mysore.

Memorandum No. F.11(117)-E/39.

Dated New Delhi, the 16th December 1939.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
20 DEC. 1939
Diary No. 12,944
File No.

Extension of the appointment of temporary Additional Munsiff for the Civil and Military Station of Bangalore.

Reference your express letter No. R.Dis.F.320-39-Judl., dated the 6th December 1939.

2. In the absence of detailed justification for the further extension of six months proposed, the Crown Representative regrets his inability to accept the proposal in full. He is, however, pleased to sanction the extension of the temporary post of Additional Munsiff for the Civil and Military Station of Bangalore, for a further period of three months with effect from the 20th December 1939, on the existing terms. It is requested that a special effort should be made to clear the arrears within the period now sanctioned, and if a further extension is found to be unavoidable, detailed justification with statistics may be furnished.

3. A further communication will follow as regards provision for the extra cost in the current year.

for Secretary to His Excellency the Crown Representative.

17

THE HON'BLE THE RESIDENT IN MYSORE.

---:O:---

Issued 20/12/39

No. 180. Dated Bangalore, the 20th December 1939.

NOTIFICATION.

The Hon'ble the Resident is pleased to extend the period of appointment of Mr. S. Ganapathisundaram, M.A.,B.L., as Additional District Munsiff, Civil and Military Station, Bangalore, for a further period of three months with effect from the 20th December 1939. He shall continue to exercise during the said period all the powers conferred on him under the Resident's Notification No.57 dated the 15th June 1939.

SECRETARY TO THE RESIDENT.

To be published in the Mysore Residency Orders.

The District Registrate,
Civil and Military Station, Bangalore.

The District Judge,
Civil and Military Station, Bangalore.

The District Munsiff,
Civil and Military Station, Bangalore.

Mr. S. Ganapathisundaram, M.A., B.L.,
Additional District Munsiff,
Civil and Military Station, Bangalore.

The Registrar,
Court of the Hon'ble the Resident in Mysore,
Bangalore.

Very urgent. S. N. 12 12

D No. 5843/39 Enclos. 1

District and Sessions Court,
Civil and Military Station,
Bangalore, dated 22nd, Dec 1939.

From

P. Medapa Esq., B.A., B.L.,
DISTRICT AND SESSIONS JUDGE,
CIVIL AND MILITARY STATION,
BANGALORE.

To

The Secretary to
The Hon'ble the Resident in Mysore,
Bangalore.

Sir,

I have the honour to forward a copy of a letter No. M-1092-39, dated the 20th. December 1939, from the Additional District Munsiff. In case the Hon'ble the Resident approves the transfer of the cases, an order by him or by me under Section 24 (1) (b) (ii) of the Code of Civil Procedure seems necessary. (put up)

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
23 DEC. 1939
Diary No. 13065
File No.....

I have the honour to be,

Sir

Your most obedient servant,

P. Medapa

District & Sessions Judge.

J.F.

19

Very urgent,

No. M-1092-39.

Office of the District Munsiff and First Class Magistrate,
Civil and Military Station, Bangalore.
Dated 20th. December 1939.

From

M. R. Ry. S. Ganapathisundaram Iyer, M.A., B.L.,

Additional District Munsiff,
Civil and Military Station,
Bangalore.

To

The District Judge,

C. & M. Station, Bangalore.

Sir,

I have the honour to report that sixty (60) additional old contested original suits were transferred to my Court for disposal by Sri. Rao Sahib B. Ananda Baliga, Principal District Munsiff C. & M. Station, Bangalore, on 16-12-39.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.) S. Ganapathisundaram.

Additional District Munsirf.

True Copy.

SHERISTADAR,
District & Sessions Court,
C. & M. Station,
Bangalore.